

CITY OF MILWAUKIE
CITY COUNCIL MEETING
SEPTEMBER 20, 2005

CALL TO ORDER

Mayor Bernard called the 1966th meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Carlotta Collette

Susan Stone

Staff present:

Mike Swanson,
City Manager
Gary Firestone,
City Attorney

JoAnn Herrigel,
Community Services Director

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

- **Councilor Collette** read a proclamation naming October 2005 as *Disability Employment Awareness Month* in the City of Milwaukie.
- **Mayor Bernard** read a proclamation naming September 2005 as *Start Making a Reader Today (SMART) Month* in the City of Milwaukie.
- **Mayor Bernard** read a press release regarding an attempted abduction on Lake Road earlier that day. The matter was currently under investigation by the police department.
- **Councilor Stone** recognized Jamison McCune as the Milwaukie High School Student for the month of September.
- **Mayor Bernard** encouraged students in the 7th through 10th grades to participate in a statewide poster and essay contest – *If I were Mayor, I would*.

CONSENT AGENDA

It was moved by Councilor Collette and seconded by Councilor Stone to approve the Consent Agenda:

- City Council Work Session and Regular Session Minutes of August 16, 2005.

Motion passed unanimously among the members present. [3:0]

AUDIENCE PARTICIPATION

None.

PUBLIC HEARING**None scheduled****OTHER BUSINESS****A. Oregon Parks and Recreation Department Grant for Lewelling Community Park -- Resolution**

Ms. Herrigel recommended that the City Council approve a resolution authorizing the City Manager to sign a grant agreement with the Oregon Parks and Recreation Department (OPRC) and approving up to \$192,500 in appropriations in Capital Outlay for the Community Services Department fiscal year 2005 – 2006 budget. The grant award was made in August 2005 for the Lewelling Community Park Development Project. She thanked Art Ball and the others in the Lewelling Neighborhood District Association (NDA) who put their hearts and souls into the project. The neighbors installed the split rail fence, and the half street improvements were built using Community Development Block Grant (CDBG) funds. She anticipated the project to be completed in 2006. Operations Director Kelly Somers would be the project manager.

Mr. Ball said it was like a dream come true for him and the others who had worked so hard on this park for the past six years. Many parties helped out, and it was truly a community effort.

Ms. Herrigel noted that former Community Services employee Jason Wachs had written the grant application.

Mayor Bernard expressed his appreciation to Lewelling Neighborhood representatives Art Ball, Jeff Klein, and the late Jean Michel and commented on the partnership between the City and its residents.

It was moved by Councilor Stone and seconded by Councilor Collette to approve the resolution authorizing the City Manager to sign a grant agreement with the Oregon Parks and Recreation Department (OPRC) and approving up to \$192,500 in appropriations in Capital Outlay for the Community Services Department fiscal year 2005 – 2006.

Motion passed unanimously among the members present. [3:0]

RESOLUTION NO. 45- 2005:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO SIGN A GRANT AGREEMENT WITH THE OREGON PARKS AND RECREATION DEPARTMENT (OPRC) AND APPROVING UP TO \$192,500 IN APPROPRIATIONS IN CAPITAL OUTLAY FOR THE COMMUNITY SERVICES DEPARTMENT FISCAL YEAR 2005 – 2006.

AUDIENCE PARTICIPATION

Rosemary Crites discussed Ed Parecki's renovation of the McLoughlin Building, which was tentatively scheduled to open on October 5.

B. Intergovernmental Agreement/Main Street Village Phase II -- Resolution

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Mr. Swanson reported that Metro had been negotiating for purchase of the Texaco station at McLoughlin Boulevard and Harrison Street. The Olson's lease was up, so they had to decide whether to agree to another ten year lease or negotiate sale of the property. The Olson's were interested in negotiating a sale that would result in a development the City would be proud of. Mr. Swanson was contacted because Metro was interested in the Olson property but only if it could enter into a joint agreement with the City to market that entire block as one parcel to make it more attractive to a developer. The City currently owned the parking lot on the east side of that block.

Mr. Swanson first introduced this matter at the August 16 meeting, but he had not been pleased with the form of the agreement at the time. He noted to the Council at the time that there were some changes the City representatives would like to make in the proposed agreement with Metro. He was not sure if the timing would be such that the changes could be brought back to the Council before the closing date. Closing had gone more slowly than anticipated, and Mr. Firestone negotiated on Mr. Swanson's behalf.

Mr. Swanson believed the agreement before the Council at this meeting was clean. Some of the more substantive changes had to do with indemnifications that were initially somewhat one-sided. Those issues had been ironed out, so the agreement was now much more equal to both parties. He believed the delegation was premised on the belief at the time that he would not have time to bring the agreement back to Council before closing. Last week it became apparent that he could bring a revised agreement to the Council prior to closing, so it was appropriate that the Council consider the agreement. The proposed resolution authorized the Mayor to execute the agreement between Metro and the City and cancelled the delegation of authority to the City Manager to execute the agreement as set forth in Resolution 39-2005.

Mr. Swanson believed the agreement provided for the next step in downtown redevelopment. It would likely resemble the concept used in North Main with retail on the ground floor and residential on the upper floors. There would be a request for proposal (RFP) so the development community would have an opportunity to submit designs and competitively bid. The price of the property would be determined jointly by the City Council and Metro. About six months ago in the North Main process it became apparent that there was a great deal of momentum. To sustain the momentum, the next project had to be in the pipeline when North Main Village opened. Staff recommended that the City Council approve the resolution authorizing the Mayor to execute the agreement and repealing Resolution 39-2005.

Councilor Collette asked for clarification of the right-of-way.

Mr. Swanson replied the rights-of-way were two small parcels on the corners of the Texaco property that fronted McLoughlin Boulevard that were purchased from Olson Bros. for the McLoughlin Boulevard Enhancement Project. Apparently there was right-of-way in excess of what was needed to curve the two corners. New urban design favored buildings that were set right up to the sidewalk. The only way that could be done was to release a portion of the excess right-of-way. Metro staff wanted to ensure the City's intention was to do that, and the City agreed to exert its best efforts depending on Oregon Department of Transportation (ODOT) actions.

Councilor Collette referred to the use of the word "property" and asked if it only referred to the Texaco property.

Mr. Firestone replied that "property" was defined as the Texaco property.

It was moved by Councilor Collette and seconded by Mayor Bernard to approve the resolution authorizing the Mayor to sign the intergovernmental agreement – Main Street Village Phase II.

Mayor Bernard requested that the name be changed.

Mr. Swanson explained this was the initial naming for Metro's and the City's purposes, and whoever purchased the property would likely rename it.

Mayor Bernard said the Farmers' Market would adapt during this process. His goal had always been to move it to the riverfront. Oregon State University (OSU) conducted a survey at last week's market, and 75% of the respondents said they would cross McLoughlin Boulevard to get to the Farmers' Market assuming safe pedestrian crossings. The City expressed its continued support for the Market.

Motion passed unanimously among the members present. [3:0]

RESOLUTION NO. 46-2005:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE MAYOR TO SIGN THE INTERGOVERNMENTAL AGREEMENT – MAIN STREET VILLAGE II BETWEEN THE CITY AND THE METROPOLITAN SERVICE DISTRICT FOR THE JOINT MARKETING OF PROPERTY LOCATED AT 10700 SE MCLOUGHLIN BOULEVARD AND 10721 SE MAIN STREET AND CANCELLING THE DELEGATION OF AUTHORITY TO THE CITY MANAGER TO EXECUTE THE AGREEMENT AS SET OUT IN RESOLUTION 39-2005.

Local Public Safety Coordinating Council/McBrod Property

Mr. Swanson discussed property located in the 9000 block of McBrod half of which was being used by Clackamas County Community Corrections. There was also an empty facility that had been used by the County at one time for an offender addiction program. It came to the City's attention that the County Local Public Safety Coordinating Council (LPSCC) was going to hear a report about re-opening that facility. He did not believe it was at that stage yet. County Corrections originally closed the facility because of budget constraints, and the director did not foresee a budget that would sustain the program. LPSCC would hear a brief report from the Recovery Addiction Program (RAP) about its operating the facility. Mr. Swanson would attend the upcoming meeting and thought it would likely be the opening public salvo to reopening the facility. He was not sure the community service overlay (CSO) granted to the County could be transferred, so staff would look at those issues. He wanted to inform the Council but did not believe people needed to attend the upcoming meeting in droves. He would provide an update in the *Friday Memo*.

Mayor Bernard discussed his business that was grandfathered-in. He understood that if his business closed for a year or two that he would not be able to reopen the same type of business because of the zoning.

Mr. Swanson replied County use was a CSO granted in the 1980's. Staff was checking the conditions of approval. If there was a decision to change the operating entity, then there might be enough difference to require a new application.

Councilor Stone said originally the neighborhood association's understanding that this building would be used to house sex offenders. The neighborhood was outraged and did not approve of that use. She asked Mr. Swanson if that was the type of use being planned.

Mr. Swanson understood at this time it was just RAP saying it wanted transitional housing, and there were no detailed plans at this time.

Councilor Stone asked if he knew the number of people who might be housed in that facility.

Mr. Swanson understood the other facility had 80 beds. Mr. Gessner was reviewing the CSO application from the 1980's. He recalled there were conditions related to the types of crimes.

Recruitment of Elected Officials

Mr. Swanson provided information on the Regional Solid Waste Advisory Committee on Solid Waste Rate Policies. He asked the Mayor and Council to e-mail him if they were interested in being involved.

Library Services

Mr. Swanson said as part of its annual audit function the County looked at individual departments. This year it hired a library consultant who would look at service provision options. There would be four sessions on October 3 and 4 to talk with boards of trustees and elected officials. He asked that the Mayor and Council let him know if they could attend any of the four meetings.

C. Council Reports

Mayor Bernard understood a City employee was being deployed to Iraq and asked that the City review its military service policy.

Mr. Swanson said an employee was called up in 2002 and certain provisions were made to make up the difference between his military pay and City pay. He noted the City got an award at the time for making this policy decision. The same provisions would be made for this particular person while he was on active duty. Because this employee might be in a war zone, there might not be a salary discrepancy. The City would cover the insurance issue.

Mayor Bernard wanted the family to know that Council would help in any way.

Mayor Bernard met with Howard Dietrich, owner of the proposed Wal-Mart site, and John Frye from SMILE. They discussed the site and the feasibility of a combined Clackamas Community College/Oregon Institute of Technology/Portland State University Campus with light rail access. Both he and Councilor Collette had been

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eager to open this type of discussion. He hoped the South Corridor Group would begin meeting as soon as possible to get some action going on that site. Mr. Dietrich had given Metro and TriMet a timeline for giving him a proposal.

Mayor Bernard spoke with a metal sculptor regarding art for the Springwater Bridge and would follow up with Metro.

Councilor Stone would like an art-based group that could look at something like this. As the City developed and grew, she thought art would play a predominant role in the decorum of the City. It was important to choose pieces well, and she thought a committee would be a good idea. She suggested a subcommittee of the Design and Landmarks Committee (DLC) because it had been so innovative in its work on the downtown area.

Councilor Collette attended the Johnson Creek Watershed Council fundraiser where she discovered she was co-chair with a Gresham councilor. She attended the Regional Water Providers Consortium as Milwaukie's representative. She attended the Mayors' Forum where she heard some interesting statistics about who survey respondents trusted the most for information. The number one choice was neighbors and neighborhood associations. Local governments and environmental groups were fairly highly rated, and politicians were at the very bottom. 60% to 67% said their communities needed planning and that the planning process was respected. She felt both of those were affirmations of what Milwaukie was doing. She discussed the OSU Farmers' Market survey and the critique of Milwaukie's Market. She felt all the participants went home with the feeling their own markets needed a community booth like Milwaukie's. It was deemed both a success locally as well as nationally.

Councilor Stone discussed her work on the Hands and Words Are Not for Hurting Project. She presented it at the Ardenwald-Johnson Creek Neighborhood meeting and received unanimous support to apply for a grant. The pledge was not to use one's hand to hurt one's self or others. She hoped to first take the project to Ardenwald School in her neighborhood and then to extend it via the Neighborhood Associations to all the schools. The Council supported launching the project by reading a proclamation in October.

Mayor Bernard discussed parking in downtown Milwaukie. There were numerous spots in facilities that were not used. Employees preferred parking on the street and moved their cars throughout the day rather than paying a small fee and walking a block or so. He urged local businesses and commuters to use the lots rather than parking on the streets.

ADJOURNMENT

It was moved by Councilor Collette and seconded by Councilor Stone to adjourn the meeting. Motion passed unanimously among those present. [3:0]

Mayor Bernard adjourned the regular session at 8:02 p.m.

Pat DuVal

Pat DuVal, Recorder